

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 22-cr-174 NEB/ECW

Plaintiff,

v.

ORDER

Miguel Angel Rosas-Barrientos (1);
Juan Gabriel Serna-Rojo (2);
Moises Gonzalez-Perez (3),

Defendants.

This matter is before the Court on Defendant Rosas-Barrientos Motion for Extension of Time to File Pretrial Motions (Dkt. 48), Defendant's Serna-Rojo's Motion for Extension of Motion Deadline and Hearing (Dkt. 44), Defendant Gonzalez-Perez's Motion to Extend Dates (Dkt. 45), and Defendant Gonzalez-Perez's Motion to Exclude Time Under the Speedy Trial Act (Dkt. 46). The Court, having considered the factors set forth in 18 U.S.C. § 3161(h)(7)(A), finds that the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and Defendants in a speedy trial. This finding is based on Defendant Rosas-Barrientos' attorney requiring additional time to review the extensive discovery and do legal research, Defendant Serna-Rojo's motion stating that he has not yet received all the discovery from the government, as his attorney and the Government's attorney are finalizing a Protective Order, and the facts set forth in Defendant Gonzalez-Perez's Statement of Facts in Support of Defendant's Motion for Extension of Time to File

Motions (Dkt. 47), specifically that his attorney needs additional time to review the voluminous discovery. Defendant Rosas-Barrientos has requested a 60-day continuance, while Defendants Serna-Rojo and Gonzalez-Perez requested at least a 30 day continuance. The Court finds that for the sake of judicial economy, the motion filing date and motion hearing date will be continued for 60 days for all defendants.¹

Accordingly, **IT IS ORDERED THAT:**

1. Defendant Rosas-Barrientos Motion for Extension of Time to File Pretrial Motions (Dkt. 48), Defendant's Serna-Rojo's Motion for Extension of Motion Deadline and Hearing (Dkt. 44), Defendant Gonzalez-Perez's Motion to Extend Dates (Dkt. 45), and Defendant Gonzalez-Perez's Motion to Exclude Time Under the Speedy Trial Act (Dkt. 46) are **GRANTED**.
2. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **November 7, 2022**.² D. Minn. LR 12.1(c)(1).
3. **Counsel must electronically file a letter on or before November 7, 2022 if no motions will be filed and there is no need for hearing.**
4. All responses to motions must be filed by **November 21, 2022**. D. Minn. LR 12.1(c)(2).

¹ If Defendants Serna-Rojo and Gonzalez-Perez object to the 60-day extension, they may file a letter stating the basis for their objection.

² "Before filing a motion under Fed. R. Crim. P. 12(b), the moving party must confer with the responding party. The parties must attempt in good faith to clarify and narrow the issues in dispute." D. Minn. LR 12.1(b).

5. Any Notice of Intent to Call Witnesses³ must be filed by **November 21, 2022**. D. Minn. LR. 12.1(c)(3)(A).
6. Any Responsive Notice of Intent to Call Witnesses⁴ must be filed by **November 23, 2022**. D. Minn. LR 12.1(c)(3)(B).
7. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:
 - a. The government makes timely disclosures and Defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
 - b. Oral argument is requested by either party in its motion, objection or response pleadings.
8. The motions shall be heard before Magistrate Judge Elizabeth Cowan Wright on **November 28, 2022 at 10:00 a.m.**, in Courtroom 3C, U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota.
9. The delay from the date of the filing of the motions for a continuance of September 6, 2022, until the new motion filing date of November 7, 2022 is excluded from the calculation of time required by the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), as to all defendants, in that the ends of justice served by such action outweigh the best interest of the public and Defendant in a speedy trial.
10. A trial date will be issued by separate order.

Date: September 8, 2022

s/Elizabeth Cowan Wright
ELIZABETH COWAN WRIGHT
United States Magistrate Judge